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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Combined sixteenth and seventeenth periodic reports submitted by Guatemala under article 9 of the Convention, due in 2017*, **

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** The annexes may be consulted in the files of the secretariat.

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I. Introduction

1. This document, containing the combined sixteenth and seventeenth periodic reports of Guatemala under the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter, the Convention), covers the period 2013–2016. It sets out, in the broadest possible terms, the legislative, judicial, administrative and other measures that were adopted during that period to give effect to the provisions of the Convention. While relating the Government's actions, it also acknowledges the existence of outstanding challenges related to the situation and status of indigenous peoples, which is conditioned by historical factors, such as discrimination and racism, that continue to limit their opportunities and the exercise of their rights.

2. This report was prepared in accordance with the general guidelines on the form and content of reports to be submitted by States parties under article 9 (1) of the Convention.

3. The reporting process afforded an opportunity to take stock of various advances made in implementing the Convention, to identify challenges in the struggle against racial discrimination and to reaffirm the Government's commitment to respect, protect and develop the rights enshrined in the Convention.

4. The preparation of the combined reports drew on a State-wide institutional effort: (i) on 28 February 2017, the Government established an inter-institutional coordinating committee for the preparation and submission to universal and regional human rights monitoring bodies of State reports on indigenous peoples' rights, the struggle against racial discrimination and the International Decade for People of African Descent,[1] which is coordinated by the Presidential Commission on Discrimination and Racism against Indigenous Peoples; (ii) on 22 March 2017, the President of the Republic formally launched the process of preparing the reports;[2] (iii) a training programme, in the form of a diploma course on treaty bodies and international mechanisms for the protection of indigenous peoples' rights, was implemented for members and alternate members of the inter-institutional coordinating committee; and (iv) the Vice-President of the Republic provided support through the Social Development Office.[3]

II. Implementation of articles 1–7

Article 1

5. In respect of rights and freedoms in public life, Guatemalan law guarantees that citizens have the right to do whatever the law does not prohibit, including exercising the right of petition, the rights of assembly and demonstration and the freedoms of association and expression. These are fundamental human rights and freedoms that are comprehensively set forth, as principles, under articles 1 to 139 of the Constitution.

6. The Government is aware that enjoyment of the right to participate in public life is crucial for the functioning of a democratic society and for an effective system of human rights protection. In 2015, a broad citizens' movement emerged that has since established an agenda of tackling corruption and impunity head on, leading to the resignation and prosecution of senior and middle-ranking State officials.

7. Citizens' participation in development planning and the monitoring of public administration is regulated and guaranteed by the Urban and Rural Development Councils Act,[4] which provides for the formation of a system of development councils operating at a

[1] This forum is composed of 54 institutions, including the executive branch, the judiciary and autonomous, semi-autonomous and decentralized institutions.

[2] https://agn.com.gt/index.php/2017/03/22/presidente-morales-velaremos-porque-la-eliminacion-del-racismo-y-la-discriminacion-sea-una-realidad-en-guatemala/.

[3] https://vicepresidencia.gob.gt/notas.php?ref=4352.

[4] Congressional Decree No. 11-2002.

number of levels: (a) at the national level, in the form of the National Urban and Rural Development Council; (b) at the regional level, in the form of regional urban and rural development councils; (c), at the departmental level, in the form of departmental development councils; (d) at the municipal level, in the form of municipal development councils, and (e) at the community level, in the form of community development councils. See paragraph 58.

8. In 2015, general elections were held for the following elected offices: (a) President and Vice-President of the Republic; (b) 158 members of the Congress; (c) 20 members of the Central American Parliament; and (d) mayors and municipal councils in all 338 municipalities in Guatemala.

9. Furthermore, in several cases the national courts ruled in favour of the promotion and defence of the rights of indigenous peoples: chiefly, the right to prior consultation and the right to protect natural resources within their territories from mining operations and the construction of hydroelectric dams.[5]

10. In 2016, the executive, legislative and judicial branches launched a national dialogue on justice reform,[6] with the Office of the Human Rights Advocate, the Public Prosecution Service and the International Commission against Impunity in Guatemala together acting as technical secretariat and the Office of the United Nations High Commissioner for Human Rights providing support. See paragraphs 11, 12, 13 and 14.

11. A bill on constitutional reform in the area of justice was drafted following an extensive dialogue process with various actors that included a public launch of the process and the holding of regional dialogues and round tables which provided the opportunity to collect key ideas and inputs.

12. The bill incorporates the following structural themes:

(i) Guarantees and guiding principles for the justice administration system;

(ii) Separation of administrative and judicial functions of the Supreme Court of Justice;

(iii) Professional career paths;

(iv) Strengthening of national mechanisms for the exercise of power: adoption of an inter-institutional oversight system for the selection of senior judicial authorities, the Attorney General and the head of the Public Prosecution Service.

13. On 6 October 2016, the plenary of the Congress heard bill No. 5179, providing for the adoption of constitutional amendments relating to the justice sector. The bill has been discussed in three debates and is now pending article-by-article adoption and final drafting.[7]

14. Bill No. 5179 provides for the recognition of legal pluralism in indigenous communities, as follows: "Ancestral indigenous authorities shall exercise judicial functions in accordance with their own institutions, norms, procedures and customs, provided that they are not contrary to the rights enshrined in the Constitution or to internationally recognized human rights. The decisions of ancestral indigenous authorities shall be subject to constitutional review. The necessary coordination and cooperation must be established between the ordinary and the indigenous legal systems and conflicts of jurisdiction, if any, shall be resolved by the Court of Jurisdictional Disputes in accordance with the law."

Article 2

15. Applying the doctrine of "conventionality control", the Constitutional Court has issued several judgments concerning the rights of indigenous peoples in Guatemala. In its decisions, it has referred to international standards, the case law of the Inter-American Court of Human Rights, which forms part of its own case law, and the following three cases:

[5] See annex 1.

[6] http://www.reformajusticiagt.org/.

[7] See annex 2.

(i) Case Nos. 4656-2012 and 862-2013,[8] concerning the National Registry Office and respect for the naming customs of indigenous peoples; (ii) Case No. 3067-2015[9] on the right of indigenous peoples to self-identify, self-organize and elect their representative authorities in accordance with their uses and customs; and (iii) Case No. 5888-2013[10] on the recognition of community assemblies as an ancestral expression of cultural roots and healthy democratic practice, provided that the fundamental rights and principles safeguarded by the constitutional corpus are respected.

16. Congressional Decree No. 42-2016 ordered that Mateo Flores National Stadium in Guatemala City be renamed Doroteo Guamuch Flores National Stadium, that being the correct name of the Guatemalan athlete of indigenous origin. The Decree also requires the competent authorities to change the names of other facilities and sites that may have been named "Mateo Flores".

17. The Ministry of Culture and Sports, as the governing body responsible for the preservation and development of Guatemalan culture,[11] has formulated cultural, sporting and recreational policies for the period 2015–2034,[12] which provide general guidelines for the mainstreaming of culture, sport and recreation in the plans, programmes, projects and activities of State, autonomous, semi-autonomous, private and civil society organizations. These policies are designed to have a positive impact on the comprehensive development and well-being of the Mayan, Xinka, Garifuna and Ladino peoples, by fostering the exchange of diverse cultural expressions in the context of a multi-ethnic, multicultural and multilingual society.

18. Taking into account that municipal authorities are by nature the government bodies closest to the people, responsible for local public services, land management within their jurisdiction, economic strengthening and the issuance of ordinances and regulations in multi-ethnic, multicultural and multilingual contexts, the National Institute for Municipal Promotion and the Planning and Programming Secretariat of the Office of the President, with support from the German International Cooperation Agency (GIZ),[13] has launched a municipal strengthening policy and plan by which it committed to strengthening municipal authorities through skills development and thus contributing to human development.

19. The economic policy for the period 2016–2021[14] was designed by the Ministry of Economic Affairs with the primary goal of creating sufficient and appropriate human development opportunities for the entire population, using an economic growth model that is inclusive and sustainable. The policy establishes the lines of action whereby the Government will seek to address long-term economic challenges based on social, economic and cultural equity and respect for the rights of indigenous peoples.

CERD/C/GTM/14-15, paragraph 25: Institutional strengthening

20. Responding to the Committee's concerns in relation to the strengthening of institutions mandated to promote indigenous peoples' rights, through the Ministry of Public Finance, the Government has introduced an integrated government accounting system.[15] This platform allows it to track progress in implementing budget allocations to institutions, in accordance with the Budget Act (Decree No. 13-2013) and using the following thematic classifiers: gender, indigenous peoples, security and justice, education, reduction of malnutrition, water resources and sanitation, and children and youth.

21. Since 2015, as stipulated in Resolution No. 08-2015 of the National Urban and Rural Development Council, public investment has been centred on three areas of strategic

[8] See annex 3.
[9] See annex 4.
[10] See annex 5.
[11] See article 31 of the Act on the Executive Branch.
[12] See annex 6.
[13] See annex 7.
[14] See annex 8.
[15] http://www.minfin.gob.gt/index.php/?option=com_content&view=article&id=1495&Itemid=356.

importance for the country: health, education, and water and sanitation. This measure has enhanced the quality of investment in local development for indigenous peoples.

22. In 2013 and 2014, the Office for the Defence of Indigenous Women's Rights — an institution mandated to tackle the particular situations of vulnerability, defencelessness and discrimination experienced by indigenous women — received an increase in its institutional budget[16] that allowed it to: (i) expand its coverage by opening a regional office in Chimaltenango and reopening one in Totonicapán, given that these departments have the largest indigenous populations and high rates of violence against women; (ii) provide legal, social and psychological care to 30,075 indigenous women at its central office and 13 regional offices; (iii) create 25 budgeted posts to ensure job stability for service providers; and (iv) run diploma courses, workshops and forums on the legal framework for indigenous women's rights and the exercise of citizenship for participants from the Q'eqchi', Poqomchi', Mam, Achi, Kanjobal, Itza', Ixil, Sakapultek, K'iche', Akatek, Chuj, Kaqchikel, Tz'utujil and Sipakapense linguistic communities and the Xinka and Garifuna peoples. See paragraph 31.

23. The Indigenous Development Fund of Guatemala — a government institution set up to support and reinforce the sustained and self-managed human development of the Mayan indigenous people, its communities and organizations, within the context of its world view, and to improve its quality of life by implementing and financing economic, social and cultural programmes and projects[17] — obtained authorization to establish a new trust (the "Trust of the Indigenous Development Fund of Guatemala", known by the acronym FIFODIGUA)[18] for a period of 20 years so that it may continue to sponsor individual and collective programmes for the cultural, political, social, environmental and economic development of indigenous peoples.

24. In 2014 the Office of the President issued Government Order No. 117-2014,[19] establishing the Indigenous Peoples and Intercultural Affairs Office as a high-level advisory and deliberative body tasked with guaranteeing the rights of indigenous peoples. The Office gained new impetus in July 2016,[20] when it was assigned responsibility for coordinating the actions of executive institutions and, in particular, ensuring that due consideration is given to the ruling on the right to consultation issued in the San Juan Cotzal, Quiché case. Other tasks assigned to the Office include the development of a draft policy on indigenous peoples and intercultural affairs.

CERD/C/GTM/14-15, paragraph 26: Multiple discrimination

In response to the concerns raised by the Committee about the multiple forms of discrimination faced by women, the Government provides the information given in the following paragraphs.

25. Congress issued Decree No. 9-2016, enacting the Immediate Search for Missing Women Act, which provides for the establishment and regulates the operation of a mechanism for activating immediate searches for missing women in order to guarantee their life, liberty, security, integrity and dignity. This is achieved by promptly locating women who are reported missing and providing them with protection, thereby precluding the risk of their being murdered, subjected to other forms of ill-treatment or removed to other communities or countries.[21]

26. As part of the enterprise development services it provides, the Ministry of Economic Affairs runs the Rural Women Entrepreneurs[22] project, the aim of which is to develop business management skills that enable women to bridge the gaps that have traditionally

[16] See annex 9.
[17] Government Order No. 435-94 of the Office of the President.
[18] See annex 10.
[19] See annex 11.
[20] http://mcd.gob.gt/presidente-jimmy-morales-instalo-el-gabinete-de-pueblos-indigenas-e-interculturalidad/.
[21] See annex 12.
[22] See annex 13.

excluded them from opportunities to access new markets, financial services, technical assistance and training.

27. At part of its preventive activities, the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons has spearheaded the "This is not NORMAL" educational campaign and has participated in the Blue Heart Campaign against Human Trafficking. It has also disseminated the following documents and materials, duly translated into national languages: (i) the Act on Sexual Violence, Exploitation and Trafficking in Persons, translated into 17 national languages;[23] (ii) a comprehensive road map for addressing pregnancy in girls under 14 years of age, in the Kaqchikel, K'iche', Q'eqchi' and Mam languages; and (iii) awareness-raising materials to prevent trafficking in persons, translated into 10 Mayan languages[24] and the Garifuna language.

28. The state policy for combating trafficking in persons and providing comprehensive protection for victims 2014–2024[25] and the protocol for inter-agency coordination in the protection and care of trafficking victims[26] together provide a framework for the development of tools for preventing trafficking in persons and mechanisms for coordinated action on the part of government institutions and non-governmental organizations working in the field.

29. Through its municipal training and capacity-building centres programme, established to provide vocational education and training in accordance with the Peace Agreements,[27] in 2016 the Ministry of Education awarded community development facilitator diplomas to 706 students (81 per cent women and 19 per cent men). The diploma course is designed "to contribute to the country's development through the comprehensive training of young women from indigenous communities" and is composed of 11 modules in subjects including personal development, human rights, comprehensive, preventive and maternal-infant health, food security, equitable relationships, the environment, leadership, community development and social auditing.

30. A national-level expert committee has been formed within the Ministry of Education to build the capacity of the technical and teaching staff of the 25 departmental directorates of education, in implementation of the Comprehensive Education on Sexuality and Violence Prevention Strategy.

31. The Office for the Defence of Indigenous Women's Rights has spearheaded the following activities in the field of prevention and support for indigenous women exposed to violence: (i) community-level social dialogue with the goal of making violence against women unacceptable (see paragraphs 32 and 33); (ii) training of trainers on the human rights of indigenous women; and (iii) dissemination and circulation of information about the procedure for reporting violence.

32. The Office facilitated the participation of 12,000 people in the community-level social dialogue for the prevention of violence against women. The specific goal was to render the everyday use of violence against indigenous women and their families (usually their children) unacceptable — a process that entails constructing and deconstructing thoughts, criteria, child-rearing practices, customs and traditions surrounding the use of violence. The budget increase of 2013 allowed for the creation of a forum for deliberation with key community stakeholders including community leaders (men, women and young people), community authorities, representatives of churches, educational institutions and health centres, midwives, organized women's groups, members of community development councils, church social ministries and community committees, institutions and organizations.

33. Notable outcomes of the community social dialogues include: (i) the organization of 12 community festivals for the prevention of violence against women and the family; (ii)

[23] Kaqchikel, Q'eqchi', Achi, Akatek, Ch'orti', Chuj, Itza', Ixil, Jakaltek, Mopan, K'iche', Mam, Poqomchi', Kanjobal, Tz'utujil, Tektitek and Uspantek.

[24] Achi, Akatek, Chuj, Itza', K'iche', Q'eqchi', Mam, Mopan, Poqomam and Sakapultek.

[25] See annex 14.

[26] See annex 15.

[27] https://www.mineduc.gob.gt/PORTAL/contenido/menu_lateral/programas/cemucaf/index.html.

the development of 12 community safety maps for the protection of women and the family; (iii) the strengthening of 12 communities in terms of prevention of violence against indigenous women, leadership, empowerment and community development; (iv) the conclusion of 12 participatory community assessments; and (v) the drafting and implementation of 12 specific community plans.

34. The Public Criminal Defence Institute,[28] as the body that administers the public criminal defence service, carried out the following activities: (i) creation of a women's unit to assist indigenous women accused of criminal acts and secure their access to prompt and full justice; (ii) issuance of a protocol for the provision of assistance to women victims of various forms of violence and for social work with a gender perspective; (iii) development of defence strategies that take legal pluralism into account; and (iv) provision of comprehensive assistance for indigenous women who are imprisoned.[29] See paragraphs 55 and 166.

35. The Supreme Court of Justice, in point 8 of Act No. 45-2016 of 3 August 2016, approved a protocol for the provision of assistance to indigenous women in accessing justice. See paragraph 167.

36. The Supreme Electoral Court, through Agreement No. 186-2016, promulgated an institutional gender equity policy, with an emphasis on strengthening the engagement of Mayan, Garifuna, Xinka and mestizo women in running for elected office at various political decision-making levels, in order to increase their civic participation and their exercise of the right to vote and to be elected.[30] Secondly, through Agreement No. 38-2013 of 13 February 2013, the Court established the Department for the Political Advancement of Women within its Institute of Civil, Political and Electoral Training. The Department's remit is to promote women's civic participation by enhancing their knowledge of civic, political and electoral affairs, carrying out actions and activities that foster their civic, political and electoral participation, on equal terms with men, raising awareness and stimulating reflection about the construction of an inclusive democracy in Guatemala and the civic, political and electoral advancement of women. Thirdly, also through Agreement No. 38-2013 of 13 February 2013, the Court established the Department of Social Inclusion, responsible for designing and running learning and training programmes which provide civic, political and electoral education for citizens and political organizations that focus on gender equity, are culturally relevant, and are targeted at specific population groups such as women, youth, indigenous peoples, persons with disabilities and persons with diverse sexualities.[31] See paragraphs 67 and 68.

37. The Presidential Secretariat for Women has formed a committee to follow up on the creation and/or strengthening of gender units in public institutions, placing particular emphasis on the areas of education, security and oversight.

38. In 2016, the Inter-Agency Committee on Women, Peace and Security[32] undertook to begin the process of drafting a national action plan for the implementation of Security Council resolution 1325 with the aim of promoting, supporting, monitoring and evaluating the country's progress on the women's agenda, in accordance with the resolution.[33]

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[28] Criminal Legal Aid Act, Decree No. 129-97.

[29] See annex 16.

[30] See annex 17.

[31] See annex 18.

[32] The Inter-Agency Committee for Women, Peace and Security is composed of 14 government institutions: the Ministry of Foreign Affairs, the Public Prosecution Service, the Ministry of the Interior, the National Civil Police, the Ministry of Defence, the Presidential Secretariat for Women, the Technical Secretariat of the National Security Council, the Office of the Human Rights Advocate, the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights, the Peace Secretariat, the National Women's Forum, the Judicial Authority, the Presidential Commission on Discrimination and Racism and the Office for the Defence of Indigenous Women's Rights. It is supported by the Educational Institute for Sustainable Development, a civil society organization, and the United Nations Entity for Gender Equality and the Empowerment of Women.

[33] http://www.minex.gob.gt/noticias/Noticia.aspx?id=27228.

Early warning and urgent procedure of the Committee

39. The Government welcomes the communication from the Chair of the Committee for the Elimination of Racial Discrimination, Ms. Anastasia Crickley, concerning allegations of violations of the rights of indigenous women in the village of Lote Ocho by the employees of the Canadian company Hudbay Mineral Inc. In that connection, the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights, in note Ref. P-1018-2017/VHGM/LW/au of 24 July 2017, requested the Public Prosecution Service to report on progress made in investigating the case. In response, the Public Prosecution Service, referring to case No. MP001-2016-99403, indicated that, since 16 November 2016, its officials have been seeking to communicate with Ms. Margarita Caal Caal and the other injured parties through contact persons (the lawyer Ms. Marta García Mauricio and Ms. Rosa Angélica Choc) in order to carry out the relevant investigative proceedings, which have not yet taken place due to the unavailability of the alleged victims.[34]

Article 3

40. To promote and encourage entrepreneurship as a mechanism for generating innovative business initiatives and expanding the entrepreneurial fabric in order to stimulate job creation and economic growth, through its network of enterprise centres the Ministry of Economic Affairs has implemented the Programme of Employment Creation and Vocational Education for Young People, providing services such as training, certification and technical assistance, and advice and information on job opportunities. In total, 9,857 young people (52 per cent women and 48 per cent men) from the Achi, K'iche', Kaqchikel, Q'eqchi', Sipakapense, Mam, Poqomchi', Tz'utujil, Ixil, Uspantek, Kanjobal and mestizo communities have benefited from the Programme.

41. The National Competitiveness Programme,[35] which is designed to boost strategic investment and drive changes in production patterns, promotes the following initiatives: (i) an enterprise development project to promote entrepreneurship, productivity and innovation through the provision of advice, technical assistance, training and networking opportunities in the departments of Guatemala, Quetzaltenango, San Marcos, Chiquimula and Alta Verapaz, which has benefited 2,400 persons (51.5 per cent men and 49.5 per cent women); and (ii) a land development strategy to support the development of institutional structures that will improve competitiveness at the local level, involving national and local and public and private sector actors. The strategy is focused on indigenous peoples living in the departments of San Marcos, Quetzaltenango, Suchitepéquez, Totonicapán, Sololá and Sacatepéquez.

42. The National Scholarship and Educational Loan Trust Fund, administered by the Planning and Programming Secretariat of the Office of the President, prioritizes access to higher education and specialized training for vulnerable groups. By narrowing gaps in access and strengthening human resources through capacity-building and skills development, it aims to enable people to improve their living standards and contribute to the country's economic and social development. Between 2013 and 2016, vocational training was provided to 272 persons belonging to the Mayan people (104 women and 168 men).

43. To facilitate access to land for peasant farmers with either no land or insufficient land to escape poverty, whether individually or as part of organized groups, and paying particular attention to women, the Land Fund has adopted the following policies: (i) a policy for accessing land through subsidized credit; (ii) a policy for the social and economic restructuring of the debt of its Land Access Programme; and (iii) a policy to facilitate

[34] See annex 19.

[35] This participatory programme facilitates inter-institutional efforts and partnerships between the public and private sectors, civil society and academia, working to increase the competitiveness of human and business capital in order to generate investment, contribute to the decentralized development of the country, create formal employment opportunities and improve the quality of life of all Guatemalans. It is administered by the Office of the Deputy Minister for Investment and Competition of the Ministry of Economic Affairs. http://www.mineco.gob.gt/programa-nacional-de-competitividad.

access to and ownership of land and other productive assets by Mayan, Garifuna, Xinka and mestizo peasant women. See paragraph 83.

44. In 2016, the General Directorate of Extramural Education of the Ministry of Education, as the entity responsible for providing comprehensive services to children, young people and adults in situations of exclusion, ran programmes benefiting 82,995 students (59 per cent female and 41 per cent male) throughout the country, including: (i) an adult distance-learning programme; (ii) an accelerated primary education programme, under the family education centres for development programme; (iii) a programme of flexible secondary education modules; and (iv) the municipal training centres programme.

45. Pursuant to Congressional Decree No. 7-2016, Guatemala adopted the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which it had signed in Geneva on 2 June 2014.

Article 4

46. The National Civil Police Academy has incorporated content on cultural diversity, the struggle against racial discrimination and a gender perspective into its officer training curriculum with the aim of empowering police personnel to apply legislation on indigenous peoples' human rights. During the period 2013–2016, 13,803 trainee officers and 722 officer candidates for promotion were trained in the new content. See paragraph 172.

47. The General Directorate of Migration has trained its staff in human rights, focusing on migrants belonging to vulnerable groups such as trafficking victims, unaccompanied children and adolescents, members of the lesbian, gay, transgender, bisexual and intersex communities, and indigenous peoples. The aim is to ensure that all migrants receive decent treatment.

48. The communication guidelines of the Ministry of Public Health and Social Welfare emphasize respect for the diversity of the country's linguistic communities and peoples and promote cultural relevance in the services provided by the health system.

49. The Ministry of Culture and Sports has launched training initiatives for representatives of public and private sector institutions on issues such as multiculturalism and interculturalism in public administration, women and political influence, cultural diversity and management models, and the collective rights of indigenous peoples.

50. The Public Prosecution Service has: (i) established the Department of Indigenous Peoples[36] to systematize, study and evaluate institutional actions relating to indigenous peoples so as to be able to propose measures and policies relevant to their situation; (ii) trained 70 of its interpreters in access to justice with cultural and linguistic relevance, providing services in 15 indigenous languages;[37] and (iii) adopted a policy and a strategic plan for equality between women and men.[38]

CERD/C/GTM/14-15, paragraph 19: Legal definition of racial discrimination

51. The Government amended its criminal legislation in 2002 in order to criminalize acts of discrimination on various grounds, including ethnicity and race.[39] However, the legislation does not define and makes no provision for the direct or indirect forms in which discrimination may occur, which is a limiting factor in the prosecution of cases.

52. The Public Prosecution Service issued General Instruction No. 2-2014, on handling complaints of discrimination-related offences, on 14 May 2014. Through Agreement No. 33-2014 of 11 March 2014, it established the Prosecution Unit for Discrimination Offences within the Office of the Prosecutor for Human Rights. See paragraph 169.

[36] Agreement No. 53-2012 of 9 July 2012 of the Attorney General and the Head of the Public Prosecution Service.

[37] Poqomam, Q'eqchi', Mopán, Poqomchi', Achi, K'iche', Garifuna, Ch'orti', Kaqchikel, Tz'utujil, Ixil, Mam, Awakatek, Kanjobal and Chuj.

[38] See annex 20.

[39] Decree No. 57-2002.

53. A coordinating unit has been established under an inter-institutional agreement between the Public Prosecution Service and the Presidential Commission on Discrimination and Racism against Indigenous Peoples in order to streamline the handling of discrimination cases.[40]

Article 5

Article 5 (a) The right to equal treatment before the tribunals and all other organs administering justice

CERD/C/GTM/14-15, paragraph 17: Access to justice and legal pluralism

54. In the light of the Committee's comments and concerns regarding access to justice and legal pluralism, the Constitutional Court issued the following two judgments: (i) consolidated case Nos. 156-2013 and 159-2013, concerning the right of indigenous communities to file for *amparo* through their representative authorities;[41] and (ii) case No. 1467-2014, concerning the application of indigenous law in criminal prosecution proceedings involving members of indigenous communities within the official justice system.[42] The judgments are intended to uphold the rights of indigenous peoples in terms of access to justice and to guarantee the practice of their legal systems — rights which are comprehensively enshrined in articles 66 and 70 of the Constitution and the international human rights-related agreements and treaties to which Guatemala is a party.

55. In order to guarantee access to justice, and to encourage increasing practice of legal pluralism, the Public Criminal Defence Institute has: (i) strengthened its human resources by hiring six lawyers who speak a Mayan language so as to facilitate communication when services are provided for indigenous peoples; (ii) published 4,140 copies of updated legal glossaries in the Mayan languages Achi, Tz'utujil, Poqomchi', Kanjobal, K'iche', Q'eqchi', Mam and Kaqchikel; (iii) provided guidance and assistance to 1,122 indigenous authorities through 24 workshops on national and international standards relating to the rights of indigenous peoples; (iv) incorporated cultural expertise into its criminal defence strategies; and (v) provided translation and interpretation services in 6,602 cases and criminal defence services in 547 cases relating to cultural matters at the national level. See paragraphs 34 and 166.

Article 5 (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

CERD/C/GTM/14-15, paragraph 15: Human Rights Defenders

56. The National Civil Police's Unit for the Investigation of Attacks against Human Rights Activists was created in 2014 to serve as the professional, technical and scientific body responsible for the criminal investigation and substantiation of offences involving wilful attacks against the life or bodily integrity of human rights activists. The Unit was established pursuant to article 36 of General Order No. 67-2014 of the General Directorate of the National Civil Police.[43]

57. The Public Prosecution Service's Office for Crimes against Journalists received 326 complaints at the national level between 2014 and 2016. The most frequently reported offences were threats, coercion, minor injuries, abuse of authority, aggravated robbery, homicide and the use of firearms.

[40] An addendum to the inter-institutional agreement was adopted on 26 January 2015.

[41] See annex 21. Judgments of 25 March 2015 (consolidated case Nos. 156-2013 and 159-2013), 14 September 2015 (consolidated case Nos. 4957-2012 and 4958-2012) and 5 July 2016 (consolidated case Nos. 4783-2013, 4812-2013 and 4813-2013).

[42] See annex 22. Judgment of 10 March 2016. Case No. 1467-2014.

[43] See annex 23.

Article 5 (c) Political rights, in particular the right to participate in elections, to vote and to stand for election on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service

CERD/C/GTM/14-15, paragraph 16: Participation in political life

58. The Decentralization Act, the Urban and Rural Development Councils Act and the Municipal Code promote the participation of indigenous persons in public affairs in line with the principle of national, multi-ethnic, pluricultural and multilingual unity. These laws provide for indigenous peoples to be represented on urban and rural development councils as a means of ensuring their unrestricted participation in decision-making processes in the various spheres of national public life and thereby guaranteeing democratic urban planning, all with a view to fostering: (i) respect for the cultures of the peoples living in Guatemala; (ii) harmonious intercultural relations; and (iii) participative, democratic processes, conducted in conditions of fairness and equal opportunity for the Garifuna, Maya and Xinka peoples and the non-indigenous population, without discrimination of any kind. See paragraph 7.

59. In accordance with articles 5, 7 and 9 of the Urban and Rural Development Councils Act, indigenous peoples are represented on the National Urban and Rural Development Council as follows: four representatives of the Maya people; one representative of the Xinka people; and one representative of the Garifuna people. Each community present in any given region has one representative on the corresponding regional urban and rural development council. Each community present in any given department has one representative on the corresponding departmental development council. See paragraphs 60 and 61.

60. With regard to the participation of indigenous peoples in community development councils, representatives are elected in a community assembly in which every member of the community takes part. Representation on these councils is not therefore determined by sector. Most communities are composed of members of a sole indigenous group but in communities that have been repatriated following conflict, various indigenous peoples may live together, as is the case in the municipality of Ixcán in the department of Quiché.

61. As provided under the Urban and Rural Development Councils Act, the Executive Coordination Secretariat of the Office of the President and the Ministry of Culture and Sports have overseen the organization of assemblies in each linguistic community for the election of representatives of the indigenous peoples to the departmental development councils.[44]

62. By Resolution No. 04-2015, the National Urban and Rural Development Council established the Indigenous Peoples Committee to oversee the formulation, consideration and adoption of a national policy on indigenous peoples and intercultural affairs, and the dissemination and implementation of the policy, once adopted. The Committee is composed of representatives of the Government ministries, the Maya, Garifuna and Xinka peoples, and various institutions, organizations and committees.

63. The National Urban and Rural Development Council's strategic agenda for 2017 was adopted at its fifth regular meeting. The strategic goals set out therein included adopting and implementing the national policy on indigenous peoples and intercultural affairs, with support from the Ministry of Culture and Sports.

64. In view of the Committee's recommendation that the Government should take action to ensure that all citizens have personal identity documentation, the National Registry Office, which organizes and maintains the centralized civil register, has: (i) introduced mobile registration; (ii) organized workshops on under-registration; (iii) increased the availability of services in indigenous languages; (iv) updated the electoral roll; (v) recruited bilingual staff who speak both Spanish and an indigenous language; (vi) extended the opening hours and streamlined the procedures of the personal identity document issuing

[44] See annex 24.

office; and (vii) distributed internal guidelines on service provision.[45] The aims of these measures include tackling discrimination on the basis of gender, ethnicity, and geographical factors.

65. In 2015, the National Registry Office launched a training plan in which members of its staff learn how to recognize and distinguish between different community identities, with a view to incorporating categories for indigenous peoples and linguistic communities into its registers, as provided for in the Peace Agreements. This marked a step towards adoption of an institutional policy of recognizing's indigenous peoples and linguistic communities, which serves to reinforce the multilingual and pluricultural nature of the national identity.

66. As regards the Committee's recommendation that special measures or affirmative action should be taken to ensure appropriate representation of indigenous and Afro-descendent peoples, in case No. 5352-2013, the Constitutional Court addresses the feasibility of such measures and refers to the urgent need for action to guarantee the equal exercise of rights and fundamental freedoms, using strategies designed to ensure equality of opportunities by means of mechanisms that redress or provide remedy for discriminatory social practices and structures.[46]

67. In 2015, the Supreme Electoral Tribunal: (i) deployed registration brigades in each department, municipality and community to make the right to vote accessible to women, young people and indigenous persons; and (ii) submitted to Congress, under bill No. 4974 of 15 July 2015, a proposal for reforms of the Electoral and Political Parties Act that incorporate a gender perspective and a focus on social inclusion. The bill was a response to calls for profound change from various sectors of Guatemalan society.

68. The proposed reforms of the Electoral and Political Parties Act were designed to strengthen the institutions that support the electoral system — namely, civil society, political parties and the Supreme Electoral Tribunal. Although the Constitutional Court's ruling was favourable to certain reforms, the political will to take action in favour of equality and non-discrimination is still clearly lacking, in that indigenous and ladino or mestizo men and women are still not fairly represented, in proportion to the demographical composition of each electoral district according to the data provided in the latest national population census, in all political parties.

Article 5 (d) Other civil rights, in particular:

Article 5 (d) (i) The right to freedom of movement and residence within the border of the State

69. Article 26 of the Constitution establishes that all persons are free to enter, remain in, pass through and exit the national territory and to change their domicile or residence, without limitations other than those established by law.

70. No Guatemalan may be expelled from or refused entry to the national territory or denied a passport or other identity document.

71. Guatemalans may enter and leave Guatemala without being required to produce a visa.

Article 5 (d) (ii) The right to leave any country, including one's own, and to return to one's country

72. The Guatemalan Congress passed Act No. 10-2015, reforming the Migration Act, in which human smuggling is established as a criminal offence. According to the law: "Any person who promotes or in any way facilitates the illegal entry to, stay in or exit from the national territory of one or more persons of foreign nationality with a view to directly or indirectly obtaining economic gain or any other material benefit commits the offence of human smuggling." Offenders are subject to 6 to 8 years' imprisonment.

[45] See annex 25.

[46] See annex 26. Judgment No. 5352-2013.

73. In 2016, a new Migration Code was published, through Congressional Decree No. 44-2016, in which the State of Guatemala recognizes the right of all persons to emigrate and immigrate. Accordingly, migrants may enter, remain in, pass through, exit and return to national territory, as provided under domestic law.

74. The Ministry of Labour and Social Welfare has two departments working to uphold the rights established in Article 5 (d) (ii) — the Labour Mobility Department (see paragraphs 75, 76 and 77) and the Foreign Nationals Work Permits Department (see paragraphs 78 and 79).

75. The Labour Mobility Department has two registry offices, in the border areas of Tecún Umán and El Carmen in the department of San Marcos, which register Guatemalan workers employed on temporary contracts in the southern Mexican border states of Campeche, Chiapas, Tabasco and Quintana Roo.

76. Campaigns to raise awareness of the fundamental rights of migrant workers and to prevent irregular labour migration and migration fraud have been organized as part of a wider drive to prevent fraudulent practices in migrant labour entitled "Ask, Note, Verify" (Pregunta, Apunta y Verifica).

77. Training to provide necessary information for the prevention of migration fraud has been organized for staff of the "1511" citizens' helpline. Furthermore, a handbook covering frequently asked questions about the rights of temporary workers has been published as part of the regional campaign against fraudulent recruitment practices.

78. The Foreign Nationals Work Permits Department of the Ministry of Labour and Social Welfare is the body responsible for processing and approving the individual and company work permits that allow foreign nationals to work in Guatemala and authorize Guatemalan employers to hire foreign workers. The Department granted 7,222 work permits to foreign nationals between 2013 and 2016.[47]

79. The Foreign Nationals Work Permits Department has also granted 243 permits to refugees.

Article 5 (d) (iii) The right to nationality

80. See paragraph 73 of this report.

Article 5 (d) (iv) The right to marriage and choice of spouse

81. In 2015, responding to alarming figures for early pregnancy and other risks faced by minors, Congress adopted amendments to the Civil Code, through Decree No. 8-2015, in which the minimum age for marriage is set at 18.

Article 5 (d) (v) The right to own property alone as well as in association with others

82. In its judgment of 25 November 2015 on case No. 5955-2013, concerning the **ancestral and communal property and possession rights of indigenous peoples, in the face of acts or omissions on the part of the public authorities in violation of these rights**, the Constitutional Court ruled that:[48] "... the applicants' claim that their right to private property has been violated is intrinsically linked to the concept of ancestral and communal ownership of communal indigenous land, which is protected under the Constitution (arts. 66 and 67), and does not involve the conditions, formalities and means of accreditation associated with this right in its usual sense. Therefore, the fact that indigenous peoples' land may not be registered to them does not mean that they cannot legitimately apply for *amparo* in relation to that land. Moreover, the Inter-American Court of Human Rights has clearly stated that both the private property of indigenous persons and the communal property of indigenous communities should be understood to be protected under article 21 of the American Convention on Human Rights (...). The Court shares the opinion of the Inter-American Court of Human Rights that property is a fundamental right that

[47] See annex 27.
[48] See annex 28.

should be understood and defended in a broad and protective sense, both from the usual civil standpoint and from the traditional and communal perspective of the indigenous peoples." [Judgment of 25 November 2015, case No. 5955-2013].

83. The Land Fund[49] is the institution responsible for facilitating access to land and creating the conditions necessary for comprehensive and sustainable rural development by means of productive, agricultural, forestry and hydrobiology initiatives. In the period 2013–2016, through the Land Fund's programmes: (i) 14 farms were granted for use by 821 peasant families[50] (106 headed by women and 715 headed by men) in the municipalities of Cobán, Senahú, Tucurú, Carchá, Cahabón, Panzós, in the department of Alta Verapaz; in Oratorio, Santa Rosa; in Ixcán, Quiché; in Pochuta, Chimaltenango; in Livingston, Izabal; and in Barillas, Huehuetenango; (ii) 20 public deeds were issued to communities and organized groups; and (iii) 18 land purchase loans were granted together with subsidies for debt payment, working capital and technical assistance. See paragraph 43.

CERD/C/GTM/14-15, paragraphs 11, 12, 13 and 14: Free, prior and informed consent

84. Regarding indigenous peoples' right to consultation, in its judgment of 12 January 2016 in case No. 411-2014, concerning **indigenous peoples' right to be consulted, as established in the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), and specifically the authorization and implementation of projects involving the exploitation of natural resources that are likely to affect them directly**, the Constitutional Court stated that:[51] "... indigenous peoples' right to prior consultation came to be recognized as a result of international sensitization as to the need to safeguard the interests of communities that, for reasons associated with their cultural identity, have been historically excluded from the decision-making processes of public authorities and from the workings of State structures in general. The right to prior consultation guarantees these communities' equality and equal standing, in terms of their ability to make themselves heard and influence decisions that may affect their living conditions. The legislative framework supporting this right, which is enjoyed by native peoples likely to be affected by measures undertaken by the State, is built around a series of international instruments to which the State of Guatemala is party (...). Whilst the necessary reforms to ordinary legislation have not yet been implemented, this legal lacuna does not mean that indigenous peoples' right to consultation is null and void; such an interpretation would be akin to allowing that the legislature's inaction has the effect of nullifying that right (...). In order to comply with the international obligation assumed, and recognizing prior consultation as part of the set of rights justiciable before the Constitutional Court and the Inter-American Court of Human Rights, the State has a duty to protect the right to consultation, regardless of whether or not it has enacted legislation or established pertinent institutional structures or procedures. This duty is set forth in the provisions of articles 46, 149, 152 and 154 of the Constitution; failure to comply with these provisions will result in one or more of the penalties set out in article 155 *ibid* ..."

85. In view of the Committee's concerns and its recommendation regarding indigenous peoples' right to consultation, the Ministry of Labour and Social Welfare, in conjunction with the Indigenous Peoples and Intercultural Affairs Office, initiated a process of dialogue and experience-sharing with the countries' linguistic communities in order to gather views on the best way to consult with indigenous peoples.[52, 53]

[49] Decree No. 24-99 as amended.

[50] Linguistic communities: Q'eqchi', Kaqchikel, K'iche', Tz'utujil, Kanjobal and Chuj, the Xinka and mestizo peoples.

[51] See annex 29. Judgments of 25 March 2015 (consolidated cases Nos. 156-2013 and 159-2013), 14 September 2015 (consolidated cases Nos. 4957-2012 and 4958-2012), 23 November 2015 (case No. 406-2014), 12 January 2016 (cases Nos. 411-2014, 3753-2014 and consolidated cases Nos. 5705-2013 and 5713-2013), 31 March 2016 (2567-2015) and 8 June 2016 (consolidated cases Nos. 3695-2014 and 3738-2014).

[52] http://www.mintrabajo.gob.gt/index.php/nota-principal/6045-lanzamiento-p%C3%BAblico-di%C3%A1logo-nacional-para-consultas-a-los-pueblos-ind%C3%ADgenas.html.

[53] See annex 30. An analysis of the outcome of this dialogue has been published in the form of an operational guide for consultation with indigenous peoples.

86. With regard to the implementation of a temporary moratorium on the award of new licences, in 2013 the Ministry of Energy and Mining submitted a draft moratorium for approval by Congress, the only body competent to make such a decision. However, to date there has been no progress in this direction.

87. The following paragraphs address the Committee's recommendation regarding the prompt implementation of court decisions, such as those handed down in the cases of San Juan Cotzal (see paragraphs 88 and 89) and San Juan Sacatepéquez (see paragraphs 90 and 98).

88. In the San Juan Cotzal case, the Indigenous Peoples and Intercultural Affairs Office, through the Ministry of Energy and Mining and the Ministry of Labour and Social Welfare and in conjunction with other bodies whose remit covers indigenous affairs, began implementing the Constitutional Court's *amparo* ruling of 25 March 2015 (case Nos. 156-2013 and 159-2013) on 25 February 2016.

89. The consultation process is being conducted in a manner that is culturally appropriate. The first formal meeting with representatives of the ancestral authorities and leaders of the community of San Felipe Chenlá, San Juan Cotzal, Quiché, was held on 22 June 2016. The process is being overseen by the United Nations Development Programme with a view to improving the consultation experience for the indigenous peoples involved. The Constitutional Court's ruling has been translated into the Ixil language.

90. In the San Juan Sacatepéquez case, a dialogue on peace and development under the auspices of the National Dialogue System began in 2014. A framework agreement between the communities of San Juan Sacatepéquez and the State was signed in January 2015, the aim being to find a peaceful solution to the conflict in the area and respond to the demands of local communities.

91. The framework agreement covers two areas of action: (i) peacebuilding; and (ii) comprehensive development.

Line of action No. 1: Agreement on peacebuilding

92. To establish, maintain and deepen an atmosphere of trust and willingness to work with respect, tolerance and transparency within communities, the Government and business, in the public interest and for the common good.

93. To resolve criminal proceedings outside the judicial system, whenever appropriate, in order to strengthen the framework for peaceful coexistence in the municipality, for the good of the country and in accordance with the remit of each institution.

94. To endeavour to establish harmonious relations and reconstruct the social fabric, providing special care for victims.

Line of action No. 2: Agreement on comprehensive development

95. The communities have given their consent for the construction of the regional ring road and the development of the San Gabriel Project, the Government and the company having guaranteed tangible, direct benefits for the communities.

96. Government agencies will formulate and implement an immediate action plan to provide a solid response to the demands made by the communities at the gathering held on 15 November 2014 in Santa Fé Ocaña. In order for the plan to come to fruition, the intermediate action envisaged must have at its core the participation, engagement and leadership of the communities and their representatives.

97. A social audit of all construction work done within the communities will be carried out.

98. Various other round-table discussions with the indigenous peoples have been held, as detailed in the table below.

Indigenous peoples living in municipalities in which consultations on energy and mining projects have been initiated

Project	*Location (municipality, department)*	*Area of direct influence (Names of communities)*	*People*	*Ethnicity (according to data published by the National Institute of Statistics in 2002)*	*Summary of court decisions and case nos.*	*Type of process — Consultation — Information session — Ongoing dialogue — Other*	*Stakeholders*
Uspantan and Chixoy II substations and Uspantan-Chixoy II transmission line	San Juan Cotzal, San Miguel Uspantán and Chicamán, Quiché	San Juan Cotzal, San Francisco Farm, Pamaxán, San, San Vicente, Laj Chimel, Rosario Farm. Miguel Uspantán El Soch, La Cumbre, La May, Saca, Cipresales. Chicamán, Quixal Farm, San Cristóbal Verapaz	Ixil	19,520 indigenous persons in San Juan Cotzal; 33,680 indigenous persons in San Miguel Uspantán 19,374 indigenous persons in Chicamán	Consolidated cases Nos. 156-2013 and 159-2013 VDS-UDPC-Transnova community consultation. Constitutional Court *amparo* ruling	Consultation with indigenous peoples	Community development councils, businesses, Ministry of Energy and Mining, NGO partners, member of Parliament (Pablo Ceto), the municipality, other ministries, other representatives
La Vega I and La Vega II hydroelectric plants	Santa Maria Nebaj, Quiché	Xeqootz, Vikalamà, Xejalvinté, Ni'mla Sumal, Batzchocolá, Viucalvitz, Vijolom I, Nim'la Salchil, Trapichitos, Tzalbal, Batzsuchil, Tal Sumal, Xoloché, Pulay, Janlay, Visan, Primavera, Turansa, Parramos Grande, Canton of Tusalina, Canton of Vipila, Village of Cotzol, Canton of Jactzal, Vipecbalam,	Ixil	50,766 indigenous persons in Santa Maria Nebaj	Case No. 1149-2012 VDS-UDPC-La Vega I community consultation	Consultation with indigenous peoples	Community development councils, businesses, Ministry of Energy and Mining, NGO partners, the municipality, other ministries, other representatives
Oxec and Oxec II hydroelectric plants	Santa Maria Cahabón, Alta Verapaz	1. Village of Escopeta; 2. Village of Sekatalkab'; 3. Village of Sepoc; 4. Village of Sacta; 5. Village of Sacta Sector 8; 6. Village of Chacalte; 7. Village of Pulisivic; 8. Village of Pequixul; 9. Village of Seasir; 10. Village of Salac I and II; Village of las Tres Cruces el Mirador	Q'eqchi'	42,273 indigenous persons of Q'eqchi' ethnicity	2826-2015	Consultation with indigenous peoples	Businesses, neighbours, opposing NGOs, Community development councils, the municipality, Ministry of Energy and Mining, other representatives

99. Under the direction of the Ministry of the Interior, a specific protocol for roadblocks and another for protests were introduced within the National Civil Police in 2016. Their introduction was a response to the need to standardize, at the institutional level, police action and intervention in the various legal proceedings in which officers of the National Civil Police are involved in the course of their work. The protocols provide, in a single document, theoretical, technical and legal guidance designed to minimize the use of discretionary authority and ensure strict respect for the legal framework and human rights.[54]

Article 5 (d) (iv) The right to inherit

Article 5 (d) (vii) The right to freedom of thought, conscience and religion

100. Article 36 of the Constitution establishes that all persons have the right to practice their religion or belief, in public and in private, through teaching, worship and observance, with no restrictions other than public order and due respect for the hierarchy and for members of other faiths.

Article 5 (d) (viii) The right to freedom of opinion and expression

101. Article 35 of the Constitution establishes that opinions may be freely expressed and disseminated by any means, without censorship or prior authorization. This constitutional right shall not be restricted by law or government order of any kind. Any person who, in exercising this freedom, fails to respect the privacy of others or morality shall be held responsible under the law. Any person who considers themselves to have been offended shall have the right to publish a statement of defence, clarification or correction.

102. Publications containing complaints, criticisms or allegations against public officials or employees related to acts committed in the performance of their duties shall not constitute violations or offences.

Article 5 (d) (ix) The right to freedom of peaceful assembly and association

103. Article 33 of the Constitution recognizes the right to unarmed peaceful assembly.

104. The rights of assembly and public demonstration may not be restricted, limited or curtailed, and shall be regulated by law solely for the purpose of guaranteeing public order.

105. Religious demonstrations outside churches are permitted and are regulated by law.

106. For the exercise of these rights, it shall be sufficient for the organizers to give prior notice to the competent authority.

Article 5 (e) Economic, social and cultural rights

CERD/C/GTM/14-15, paragraph 20: Structural discrimination

The following paragraphs describe the efforts of Guatemala to address the Committee's concern about the fact that poverty and social exclusion are especially widespread among indigenous and Afro-descendent populations.

107. In 2013, the National Urban and Rural Development Council formed the drafting and monitoring committee of the "K'atun, Nuestra Guatemala 2032" National Development Plan.[55] Under the guidance of the Planning and Programming Secretariat of the Office of the President, the committee designed and developed a participatory, inclusive and democratic methodology for formulating the National Development Plan.

108. At an extraordinary public meeting on 12 August 2014, the National Urban and Rural Development Council adopted the National Development Plan, which is designed to reduce social inequalities on account of gender, ethnicity and geographical area, and instructed the Planning and Programming Secretariat, as the State planning oversight body,

[54] See annex 31.

[55] Agreement No. 02-2013 of the National Urban and Rural Development Council.

to design a public policy based on the National Development Plan that would provide short-term implementation guidelines and would serve as the National Development Policy.[56, 57]

109. The Social Welfare Secretariat of the Office of the First Lady has continued to run its programmes for persons living in poverty and extreme poverty, especially children under the age of 6 years old, rural women, older persons and persons with disabilities, namely the "My Golden Years" (*Mis Años Dorados*), "Growing Securely" (*Creciendo Seguro*), social services and community day-care (*Hogares Comunitarios*) programmes (see paragraphs 110 to 113).

110. The "My Golden Years" programme provides comprehensive assistance in seven global priority areas (health, physiotherapy, education, occupational therapy, leisure and psychosocial care), taking into account the customs and traditions of each region where services are provided.[58]

111. The target group of the "Growing Securely" programme includes working-age women aged between 14 and 59 years old, or older if the beneficiary wishes to participate, who are provided with training in income-generating activities.[59]

112. The social services programme focuses on municipalities identified for priority action by the Secretariat for Food and Nutrition Security under the "Zero Hunger" Programme and provides services in the form of health-care fairs and free supplies.[60]

113. The community day-care programme targets Maya, Garifuna, Xinka and mestizo children age 0 to 7 years old and is run in all 22 of the country's departments. The programme maintains a database that is used to keep track of the number of beneficiaries by ethnicity and level of development, which is measured twice per year. The 180 community day-care centres and 505 child care and development centres nationwide serve 15,156 children from 221 municipalities.

114. The National Forestry Institute, as the body responsible for initiatives to raise the standard of living in communities by increasing the supply of goods and services derived from trees, has continued its two main programmes (see paragraphs 115 to 125).

1. Forestry incentives programme (now called Probosque)[61]

115. Over 2,642 projects have been rolled out under this programme, directly benefiting 117,638 Guatemalans at a cost to the State of US$ 64,463,777.

116. These projects have resulted in proper management and conservation of plantations and forests, as well as cooperation with 746 indigenous communities and peoples nationwide; 35 per cent of beneficiaries are women. The projects have brought indigenous communities and peoples coordination and technical assistance, economic benefits and a healthy environment for forestry activities; in other words, rural dwellers have seen their standard of living rise.

117. Another result of the modernization of forestry activities was the establishment of the Electronic Forest Enterprise Information System, a tool that promotes lawful forestry activities and oversight of the lumber trade. There are currently 1.9 million registered businesses conducting such activities.

118. The most prominent of the incentive schemes run under the Probosque programme are the natural protected forests management scheme, which covers 59 per cent of certified and approved projects, and the reforestation scheme, which covers 37 per cent of projects.

119. In the period 2013–2016, 2,642 projects in indigenous territories were certified, mostly in the departments of Petén, Izabal and Las Verapaces (Baja Verapaz and Alta Verapaz).

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[56] Resolution No. 03-2014 of the National Urban and Rural Development Council.
[57] See annex 32.
[58] See annex 33.
[59] See annex 34.
[60] See annex 35.
[61] See annex 36.

2. Forestry incentives programme for small landholders involved in forestry or agroforestry[62]

120. Approximately 20,350 projects have been approved under this programme, covering 72,360 hectares at an approximate cost of US$ 69,395,257.50. The programme has created forest exploitation, care and development jobs in rural areas equivalent to more than 6.5 million days of work.

121. Of the 20,350 projects approved for incentives, 45 per cent (9,110 projects) were presented by Maya, Garifuna and Xinka peoples or were communal and/or collective projects, and 55 per cent (11,240 projects) were put forward by members of the Ladino/mestizo people.

122. Regarding the breakdown of the total amount awarded (US$ 69,395,257.50), members of the Ladino/mestizo people were the biggest beneficiaries, receiving US$ 42,077,922.10 in incentives. Among indigenous peoples, most applicants for incentives were members of the K'iche people, who received US$ 5,844,155.84, followed by the Maya Mam people, with US$ 4,025,974.03 in grants, the Q'eqchi people, with US$3,376,623.38, the Achi people, also with US$ 3,376,623.38, and the Kanjobal people, with $1,948,051.95.

123. Regarding the programme's gender profile, of the 20,350 projects approved between 2013 and 2016, including projects of a collective or communal nature, 32 per cent were presented by women and 68 per cent by men. Women's projects received US$ 21,818,181.80 in funding and created jobs equivalent to 2 million days of work.

124. The programme also benefited a fair number of projects submitted by young people. Persons aged between 18 and 30 years old represented 15 per cent of beneficiaries, or 3,065 projects, those aged between 31 and 60 represented 61 per cent, or 12,316 projects, while those over 61 accounted for 22 per cent, or 4,409 projects.

125. The amount awarded per age group was: 18- to 30-year-olds, $9,090,909.09; 31- to 60-year-olds, $38,701,298.70; and 61 and above, $16,883,116.90.

126. Given that, as recounted in the Popol Wuj, the sacred book of the K'iche' people, the mythology, calendars, worldview, spirituality and customs of the Maya people have been tied to corn since time immemorial, with a view to protecting this ancient grain and staple of indigenous peoples' diet, Congress declared Zea mays Linnaeus part of the nation's intangible cultural heritage and, in Decree No. 13-2014, established 13 August as National Corn Day.

127. The Ministry of Agriculture, Livestock and Food has introduced two initiatives: (i) the fertilizer programme (para. 128) and (ii) the nutritional assistance programme (para. 129).

128. Some 4,546,624 people have benefited from the fertilizer programme, which consists in providing fertilizers to families living in poverty and extreme poverty to support below-subsistence and subsistence farming and the production of basic foodstuffs to cover the food needs of rural families and thus help ensure food security. The programme functioned in this manner from 2013 to 2015 but, in 2016, when Congress failed to allocate any funds to it, a funding mechanism had to be put in place to purchase agricultural supplies in order to continue providing services to at least half the target population.

129. In the period 2013–2016, the nutritional assistance programme provided support to 518,145 people with a view to preventing food insecurity and ensuring the availability and sufficient long-term supply of foodstuffs, as well as guaranteeing the safety, security and nutritional value of food in areas affected by natural disasters.

[62] See annex 37.

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

130. The Ministry of Labour and Social Welfare, through the General Directorate of Employment and the National Employment Service, has provided job and career counselling for all persons of working age to help them find employment, irrespective of their ethnicity, sex, age or any other attribute. The National Employment Service has 22 department-level delegates (in the departmental capitals), one in the municipality of Coatepeque, Quetzaltenango, and another in the national capital.

131. With the aim of decentralizing the services of the National Employment Service and better servicing unemployed persons in the interior of the country, most of whom are indigenous, the Ministry of Labour and Social Welfare has set up municipal one-stop job centres focused on enhancing employability at the local level.[63]

132. In 2016, 65 municipal employment experts and managers countrywide received training with a view to strengthening public employment services. Fifteen one-stop job centres were opened in the following municipalities: Guastatoya, El Progreso; Villa Nueva and Mixco, Guatemala; Patzún, Chimaltenango; Cobán, Alta Verapaz; Quetzaltenango, Quetzaltenango; Antigua Guatemala, Sacatepéquez; Chiantla, Huehuetenango; Teculután, Zacapa; San Pedro La Laguna, Sololá; Salamá and Rabinal, Baja Verapaz; Zaragoza, Chimaltenango; Jocotán, Chiquimula; and Tejutla, San Marcos.

133. The Training and Capacity-Building Unit of the Ministry of Labour and Social Welfare, in coordination with the Technical Institute for Training and Productivity, has held technical training sessions to promote the development of vulnerable groups and enhance their work skills through technical and vocational training, as a key strategy to boost household income, reduce informal employment and increase the competitiveness that leads to formal or self-employment.

134. Government Order No. 297-2015, issued by the Office of the President, made use of the Human Resources Information System compulsory in order to modernize and systematize human resource processes in institutions of the executive branch governed by the Civil Service Act and make such processes more transparent. The System is managed by the National Civil Service Office.

135. In the period 2013–2016, the Land Fund, by way of the Programme for the Development of Sustainable Farming Communities, provided technical assistance to 13,016 families (286 Xinka, 9,305 Maya and 3,425 mestizo). The following measures were also taken to strengthen food security: (i) project management support in the areas of running water, drinking water and environmental clean-up; (ii) funding for food security projects involving the production of basic grains and provision of livestock packages, including working capital; and (iii) the approval and award of food subsidies to selected families living on Sactelá ranch in Cobán, Alta Verapaz (110 families), on San Valentín ranch in Senahú, Alta Verapaz (30 families), and on Monte Carmelo ranch in La Libertad, Petén (94 families).

CERD/C/GTM/14-15, paragraph 23: Labour rights

136. In reference to the Committee's concern, the Ministry of Labour and Social Welfare, through the General Labour Inspectorate, has taken the following steps to guarantee compliance with the minimum wage: (i) the nationwide implementation of operational plans for labour inspections; (ii) the provision of assistance to 32 indigenous persons in relation to complaints regarding the minimum wage, to 5 indigenous persons in relation to complaints on occupational health and safety, and to 1 person in relation to a complaint of ethnic discrimination; (iii) as part of institutional efforts on rights protection, the organization of pay verification workshops to ensure that overtime hours are paid.

[63] The centres were set up in coordination with the Ministry of the Economy and the Ministry of Education, with the technical and financial support of the German International Cooperation Agency (GIZ), the European Union's Youth Employment Initiative, the Food and Agriculture Organization of the United Nations and the municipalities.

137. Regarding the Committee's recommendation to strengthen the General Labour Inspectorate by providing it with the funding and staff necessary to penalize failure to comply with labour standards, the Ministry of Labour and Social Welfare, in line with the objectives contained in the Government Plan 2016–2020, has held talks with various sectors to promote the bill on the Labour Code.[64]

138. In 2015 and 2016, training and skills development programmes were introduced for staff of the General Labour Inspectorate covering specific areas including labour law, migrant workers, human rights and conflict resolution, public administration and transparency, occupational health and safety, response to members of the lesbian, gay, bisexual, transgender and intersex community, and the modernization of the Inspectorate.

Article 5 (e) (ii) The right to form and join trade unions

139. The General Directorate of Employment of the Ministry of Labour and Social Welfare notes that foreign nationals have a right to form and join trade unions without restriction in accordance with the law in force. Article 102 (q) of the Constitution establishes that: "The following basic social rights shall underpin labour law and the actions of the courts and authorities: ... (q) the right of workers to organize freely. This right may be exercised without any form of discrimination or prior authorization and is subject only to statutory requirements. Workers cannot be dismissed for taking part in the formation of a trade union and must enjoy this right from the moment the General Directorate of Employment has been informed. Only Guatemalans by birth may be involved in the organization, management and advising of trade unions. Exceptions include technical assistance by public authorities and other situations provided for in international treaties and inter-union agreements authorized by the executive."

140. Regarding any restrictions on the formation of trade unions by foreign nationals, the only relevant provisions are those in articles 220 (d) and 223 (b) of the Labour Code, which establish that executive committee members must be Guatemalan by birth and employees of the firm concerned. However, the above notwithstanding, there are no records in the public trade union register of the General Directorate of Employment of any foreign members of trade unions. The sole exception is the union of independent female sex workers of Guatemala, which was created by 20 sex workers, including 5 Salvadorans and 1 Honduran.

Article 5 (e) (iv) The right to public health, medical care, social security and social services

141. In order to improve the standard of living of Guatemalans, create opportunities, build capacity and achieve social development with a human dimension for people living in poverty and marginalized or vulnerable groups, the Ministry of Social Development[65] has rolled out the following social programmes: (i) the Family Health and Education Subsidy Programme (*Mi Bono Seguro*); (ii) the Family Food Subsidy Programme (*Mi Bolsa Segura*); (iii) the Community Soup Kitchen Programme (*Mi Comedor Seguro*); (iv) the School Attendance Programme (*Mi Beca Segura*); (v) the Youth Engagement Programme (*Jóvenes Protagonistas*); and (vi) the Support for Older Persons Programme (*Atención al Adulto Mayor*).The table below shows the reach of each programme from 2013 to 2016.

Year	*Programme*	*Coverage*	*Allocation(US$)*
2013	Family Health and Education Subsidy Programme	733 783 families	68 168 228.58
	Family Food Subsidy Programme	205 749 families	20 431 173.98
	Food Security Subprogramme	353 969 families	
	Community Soup Kitchen Programme	6 132 667 meals	3 969 070.68

[64] Adopted by Congressional Decree No. 7-2017 and entered into force on 6 June 2017.

[65] Government Order No. 87-2012.

Year	*Programme*	*Coverage*	*Allocation(US$)*
	Youth Engagement Programme	36 743 people	1 408 317.96
	Support for Older Persons Programme		3 234 152.65
2014	Family Health and Education Subsidy Programme	697 461 families	100 132 423.82
	Family Food Subsidy Programme	223 703 families	28 848 810.32
	Community Soup Kitchen Programme	3 931 177 meals	4 841 362.42
	Youth Engagement Programme	55 052 people	2 247 084.84
	Support for Older Persons Programme		3 184 713
	Grants, services and infrastructure for social development	52 180 families	17 818 079.28
2015	Family Health and Education Subsidy Programme	693 936 families	40 215 187.58
	Family Food Subsidy Programme	324 890 families	11 336 996.14
	Community Soup Kitchen Programme	2 869 051 meals	3 680 992.05
	Youth Engagement Programme	35 653 people	1 852 352.58
	Grants, services and infrastructure for social development	112 021 people	11 449 993.86
2016	Family Health and Education Subsidy Programme	640 585 families	71 070 376.29
	Conditional cash transfers for purchasing food	7 707 families	2 223 759.17
	Youth Engagement Programme	40 000 people	1 599 468.26
	Grants, services and infrastructure for social development	155 550 people	16 253 875.69
Total			**413 966 419.43**

142. The Ministry of Social Development allocated approximately $2,703,000.00 to the Association of Urban Bus Companies and the National Coordination Office for Departmental Urban Transport to subsidize urban transport for older persons. It also allocated $675,000.00 to the non-profit organization Dulce Refugio — Ministerio de Ancianos Viviendo por Fe (Gentle Refuge — Ministry of Elderly Believers) for projects to support older persons.

143. The Institute for Municipal Development, through the various programmes of the Drinking Water and Sanitation Unit, constructed drinking water and sanitation facilities to improve the standard of living of beneficiaries.[66]

CERD/C/GTM/14-15, paragraph 21: Intercultural health

144. In order to ensure a multi-ethnic, multilingual and pluricultural approach in the provision of its services, the Ministry of Health and Social Welfare has taken the following action : (i) in 2016, it initiated a process of rapprochement, dialogue and cooperation with midwives, therapists and representatives of indigenous peoples with a view to developing a space for interaction that increases cooperation and leverages synergies between the official health-care and the indigenous health-care systems; (ii) it expanded the inclusive health-care model,[67] which approaches health care from an individual, family and community perspective based on the lifestyles and worldview of the indigenous peoples, and extended access to housing, education, drinking water, decent employment, land and adequate nutrition, in harmony with environmental concerns. The following seven departments were prioritized under this management model: Huehuetenango, Quiché, San Marcos, Sololá, Totonicapán, Alta Verapaz and Chiquimula; and (iii) in 2015, it introduced a guide for

[66] See annex 38.

[67] Ministerial Order No. 261-2016.

registering the self-identification of health-care service users with a view to collecting data on users of the health-care services network disaggregated by people and linguistic community. Copies of the guide, as well as posters and banners publicizing it, were distributed to the directorates of the 29 health districts nationwide.

145. Through Government Order No. 102-2015, the executive approved the national policy on midwives belonging to the four peoples of Guatemala (Maya, Garifuna, Xinka and mestizo),[68] which was developed by the Ministry of Health and Social Welfare in coordination with midwife organizations around the country.

Article 5 (e) (v) The right to education and training

146. The Ministry of Social Development has implemented the following social programmes to safeguard the rights to education and training.

Year	*Programme*	*Coverage*	*Allocation (US$)*
2013	School Attendance Programme	14 181	
	First Job Programme	7 587	
	Craftsperson Programme	868	
	Secondary Education Scholarship Programme	5 500	
	Higher Education Scholarship Programme	226	3 029 392.36
2014	School Attendance Programme	11 674	
	First Job Programme	551	
	Craftsperson Programme	4 858	
	Secondary Education Scholarship Programme	5 705	
	Higher Education Scholarship Programme	560	3 498 844.37
2015	School Attendance Programme	8 854	
	First Job Programme	551	
	Craftsperson Programme	3 183	
	Secondary Education Scholarship Programme	4 444	
	Higher Education Scholarship Programme	676	2 138 303.79
2016	School Attendance Programme	10 779	
	First Job Programme	345	
	Craftsperson Programme		
	Secondary Education Scholarship Programme	5 500	
	Higher Education Scholarship Programme	959	3 423 534.84
Total			**12 090 075.36**

147. The Ministry of the Economy has rolled out various programmes in the areas of: (i) job creation and vocational training for young persons; (ii) entrepreneurship (*Guatemala Emprende*); and (iii) microcredit.

148. The Job Creation and Vocational Training for Young Persons Programme has provided 9,857 young men and women (52 per cent women, 48 per cent men) from the Achi, K'iche', Kaqchikel, Q'eqchí, Sipakapense, Mam, Poqomchi', Tz'utujil, Ixil, Uspantek, Kanjobal linguistic communities and the mestizo communities with training, technical certification, technical assistance, counselling and information on employment opportunities.

149. The Entrepreneurship Programme's objective is to foster and promote entrepreneurial projects at every stage, through a process that includes seed money. The programme was rolled out in Guatemala City, Quezaltepeque (Chiquimula), Chiquimula (Chiquimula) and San Juan Sacatepéquez (Sacatepéquez) in 2013, and in Guatemala City,

[68] See annex 39.

Panajachel (Sololá), Olopa (Chiquimula), Chahal (Alta Verapaz), San Andrés (Petén), Quetzaltenango, Retalhuleu, San Lucas and San Bartolomé Milpas Altas (Sacatepéquez) and Comunidad El Naranjo (Suchitepéquez) in 2016.

150. The goal of the "Take out a microloan for a better life" Microcredit Programme is to set up, implement and expand microcredit models that provide opportunities for entrepreneurs. The programme is currently running in Guatemala City, Cobán (Alta Verapaz), Retalhuleu and Chiquimula. Six businesses have been selected to organize microcredit schemes, and 18 entrepreneurs have benefited from microloans.

151. In 2015, 22,409 children and young people received assistance, in the form of technological devices, from the Virtual Network Programme of the Indigenous Development Fund of Guatemala with a view to supporting their studies and reducing inequalities in access to technology among indigenous children and youth.

CERD/C/GTM/14-15, paragraph 22: Bilingual education

152. The Office of the Deputy Minister for Bilingual and Intercultural Education (the body responsible for setting guidelines and conditions to ensure that the Ministry of Education organizes and provides linguistically and culturally relevant educational services), together with the General Directorate for Bilingual and Intercultural Education (the lead agency in the provision of bilingual intercultural education in the Maya, Xinka and Garifuna linguistic communities), continue to carry out activities to ensure that children and young persons receive linguistically and culturally relevant education through the national education system's curricular policies in accordance with Government Order No. 22-2004 on the generalization of multicultural and intercultural bilingual education in the national education system and with the National Education Act. The actions carried out in this connection are described in paragraphs 153 to 161.

153. Following the launch of the 2012–2016 Education Strategy and 2016–2020 Strategic Plan, the Ministry of Education has been able to implement the basic national curriculum and its adapted form for indigenous peoples in all public and private educational establishments. The aim of this people-focused national initiative is to develop skills at every level of the education system as a means to enable the running of educational projects in a multi- and intercultural and multilingual nation.

154. Two types of basic teacher training are available in post-secondary institutions: (1) a two-year science and arts diploma with a focus on education; and (2) a three-year teaching degree with specializations including intercultural primary education, intercultural bilingual education, music training, productivity and development, and physical education. The programmes are coordinated through an inter-institutional agreement between the Faculty of Arts of San Carlos de Guatemala University and the Ministry of Education.

155. Some 2,926 teachers working in bilingual intercultural education at the preschool and primary levels received training as part of the third, fourth and fifth cohorts of the Academic Programme for the Professional Development of Teachers.[69]

156. The 2016–2020 National Education Strategy for Peaceful Coexistence and the Prevention of Violence was rolled out to address the need to provide children and young persons with comprehensive education and to train a new electorate in how to cement the construction of a democratic, intercultural, fair and equitable society conducive to the creation of a culture of peace.

157. The following table outlines the budget of the General Directorate for Bilingual and Intercultural Education, the country's lead agency for bilingual education, for the period 2013–2016.

Number	*Year*	*Allocation (US$)*	*Disbursement (US$)*
	2013	3 109 484.18	2 942 014.47
	2014	6 072 283.25	2 942 014.47

[69] See annex 40.

Number	*Year*	*Allocation (US$)*	*Disbursement (US$)*
	2015	4 092 018.56	2 942 014.47
	2016	8 744 121.23	2 942 014.47

158. Some 89,770 professionals from the various linguistic communities have been recruited.[70]

159. A total of 820,493 textbooks for use in bilingual intercultural education at the preschool and primary levels have been distributed in the 22 Mayan languages, Garifuna, Xinka and Spanish, in various areas, for an investment of approximately US$ 1,843,924.00.[71]

160. The National Literacy Committee has continued to run training activities in 17 Mayan languages[72] and Garifuna.

161. In consolidated cases Nos. 4783-2013, 4812-2013 and 4813-2013,[73] relating to the right to bilingual education of children and young persons from indigenous educational communities, the Constitutional Court urged the Ministry of Education to: (i) ensure that pupils are materially equal in dignity and rights; (ii) protect pupils' cultural identity and mother tongue by applying the principles of the interdependence and indivisibility of human rights; (iii) educate members of the public so that, individually and collectively, they behave fraternally towards one another and coexist in a natural, respectful and supportive manner with others who identify with different cultures; and (iv) create the structural conditions for the inclusion and development of the Maya, Garifuna and Xinka peoples.

Article 5 (e) (vi) The right to equal participation in cultural activities

162. The Agency for Cultural Decentralization[74] is the decentralized public institution responsible for funding: (a) activities to support artistic and cultural creation and dissemination; (b) projects to preserve, disseminate and promote popular culture, and to support its makers and proponents; and (c) activities to preserve and disseminate cultural heritage. In the period 2013–2016, the Agency funded 92 cultural projects across the various departments for an investment of approximately US$ 696,000.00.

163. The Ministry of Culture and Sports has produced three albums entitled "Jare'ri nub'ix" (This is My Song) which compile the winning entries of singing contests in the Kaqchikel, Achi, Tz'utujil, Q'eqchi', Mam, Ch'orti', Sakapultek and Itza' languages.

Article 5 (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks

164. The right enshrined in this subarticle is directly protected in articles 4, 5, 26 and 29 of the Constitution concerning the rights to liberty and equality, freedom of action and movement, and access to the courts and State agencies. Thus, the law does not place any limitations on access to public service centres.

Article 6

165. The Supreme Court, the Public Criminal Defence Institute and the Public Prosecution Service have initiated drives to achieve integration and coordination between the indigenous and the official State legal systems with a view to applying the *non bis in idem* principle to decisions taken by the indigenous authorities.

[70] See annex 41.

[71] See annex 42.

[72] Kaqchikel, Ixil, Poqomchi', Mam, Kanjobal, Q'eqchi', Sipakapense, K'iche', Achi, Chuj, Popti', Akatek, Tektitek, Awakatek Poqomam, Mam and Ch'orti'.

[73] See annex 43.

[74] https://adesca.org.gt/acerca-de/.

166. Using an integrated culturally relevant public defence model, the Public Criminal Defence Institute has continued to provide services through the 15 offices for the defence of indigenous rights[75] as a means of ensuring the cultural and linguistic relevance of defence services (see paragraph 34).

167. Order No. 158-013 of 19 August 2013 of the Office of the President of the Judiciary provided for the establishment of the Centre for Indigenous Legal Translation and Interpretation. The main aim of the Centre is to facilitate indigenous peoples' access to culturally and linguistically relevant justice services (see paragraph 35).

168. The State's 2015–2035 democratic crime policy[76] takes into account the need to provide the foundation for dialogue between the justice system of the Maya, Xinka and Garifuna peoples and the official system.

169. The Public Prosecution Service has: (i) signed institutional coordination agreements with various indigenous authorities, particularly in relation to cases being heard both by the indigenous justice system and the official system, in order to promote legal pluralism and experience-sharing with regard to settlements; and (ii) continued work on the collection of user data disaggregated by ethnicity, with the aim of developing and guaranteeing culturally and linguistically relevant services (see paragraph 52).

CERD/C/GTM/14-15, paragraph 10: Impunity

170. Through the unit of the Office of the Prosecutor for Human Rights that deals with special cases related to the internal armed conflict, the Public Prosecution Service has taken action on the following cases: (i) the Dos Erres massacre; (ii) the Molina Theissen case; (iii) the Creompaz crimes against humanity and war crimes case; (iv) the genocide of the Ixil people; (v) the Sepur Zarco sexual slavery case; (vi) the Fernando García case, No. MP001-2006-70307; (vii) the storming and burning of the Spanish embassy, case No. MP001-2005-27178; and (viii) the Saenz Calito case, No. MP001-2006-6788.

171. Convictions have been obtained in the following cases: (i) **the Dos Erres massacre**: there have been five convictions, and the trial of José Efraín Ríos Montt is in the intermediate stage, i.e. the exclusive application of preventive and correctional measures in relation to the offences of genocide, or alternatively murder, and crimes against humanity. In addition, Mr. Santos López Alonzo is facing public trial in relation to the offences of murder, crimes against humanity and the deletion and alteration of civil registry records; (ii) **the El Jute case**: there have been four convictions in relation to enforced disappearance and crimes against humanity; (iii) Military Commissioner Isidro Cardona Osorio has been convicted of enforced disappearance and crimes against humanity; (iv) **the Xamán farm massacre**: the Public Prosecution Service, through the prosecutor's office in Cobán, Alta Verapaz, has obtained 11 convictions in relation to the offences of extrajudicial killing and grievous bodily harm; (v) **the El Aguacate massacre**: the massacre took place in the municipality of San Andrés Itzapa, Chimaltenango. The Criminal, Drug Trafficking and Environmental Offences Court of Chimaltenango (case No. MP001/2012/4793, docket No. 146-2013) sentenced Fermín Felipe Solano Barillas to 90 years in prison for crimes against humanity and murder.

Article 7

A. Education and teaching

172. From 2013 to 2016, the National Civil Police ran 102 workshops for 7,440 police officers (3,575 women and 3,865 men) on: (i) the National Civil Police's protocol for the treatment of cases of violence against women; (ii) the Domestic Violence Prevention, Punishment and Eradication Act; (iii) the Act on Femicide and Other Forms of Violence

[75] The offices provide services for the K'iche', Mam, Kaqchikel, Ixil, Kanjobal, Tz'utujil, Q'eqchi', Poqomchi', Achi, Ch'orti' and Ixil linguistic communities and for the Garifuna people.

[76] See annex 44.

against Women; (iv) the Act on Sexual Violence, Exploitation and Trafficking in Persons; (v) gender equality; and (vi) new perceptions of masculinity (see paragraph 46).

173. The General Directorate of the Prison System has included human rights in the prison guard training curriculum.

174. Pursuant to the Private Security Services Act,[77] the functions of the General Directorate of Private Security Services include providing theoretical and practical training in human rights, in accordance with relevant international standards, and in the use of force and firearms. The Directorate certifies directors and instructors as accredited to provide training in human rights-related subjects.

175. The Office for the Defence of Indigenous Women's Rights has introduced training, including a course on the rights and citizenship of indigenous women, designed for women from the Q'eqchi', Poq'omchi', Achi, Kanjobal, Mam, Itzá, Ixil, Sakapultek, K'iche', Akatek, Chuj, Kaqchikel, Tz'utujil and Sipakapense linguistic communities and the Garifuna and Xinka peoples.

176. The Public Prosecution Service has provided its staff with training in the functioning of indigenous law, in partnership with the indigenous authorities; has published information on human rights; has developed and broadcast radio messages in indigenous languages; and has built up a compendium of national and international law on the rights of indigenous peoples.

177. In 2016, the Ministry of Education introduced a human rights project providing protection and support for at-risk students and victims of school violence in nine educational centres in Chinautla, in coordination with the Organization of Ibero-American States for Education, Science and Culture, and encouraged the participation of 66,034 public servants in international conferences and training, including courses on: human rights for a culture of peace and interculturality; human rights, inter-ethnic relations and a culture of dialogue in educational management; eradication of racial discrimination; individuals as agents of change; and sexual education in the worldview of indigenous peoples.

178. In 2013, the Indigenous Peoples Unit of the Ministry of Labour and Social Welfare held 56 workshops and forums on labour rights and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), in which 3,259 people took part, including members of various municipal women's committees, community leaders, university students, community development counsellors from Sacapulas and Santa Cruz del Quiché and representatives of governmental and non-governmental organizations from Cobán, Alta Verapaz.

179. From 2013 to 2016, the Presidential Commission on Discrimination and Racism against Indigenous Peoples ran 17 courses on issues such as human rights, the rights of indigenous peoples, the prevention of racism and racial discrimination, and international mechanisms for the protection of indigenous peoples' rights. The courses were aimed at civil servants, public sector employees and civil society organizations and designed to prevent discriminatory practices in government services. In addition, four groups, amounting to a total of 150 justice officials, have completed the post-graduate course on human rights, the rights of indigenous peoples, racism and racial discrimination.

B. Culture

180. As a result of cooperation between the Governments of Mexico and Guatemala, the Mexican television series "Kipatla, para tratarnos igual" ("Kipatla, so we can treat everyone as equal", Kipatla meaning "change" in Nahuatl) was broadcast on Guatevisión, a cable television channel (http://www.guatevision.com/?s=kipatla), in 2016. Its aim was to help instil new values in children that promote understanding and respect for human diversity and eliminate prejudice and stereotyping.

[77] Decree No. 52-2010, art. 51 (c).

C. Information

181. Based on the editorial manual issued by the Media Secretariat of the Office of the President, the Official Gazette and the National Printing Office prioritize the publication of content that supports historically marginalized populations, namely indigenous peoples, women, children and youths.

182. The Secretariat against Sexual Violence, Exploitation and Trafficking in Persons has produced and broadcast 26 radio spots in 13 national languages as part of its efforts to prevent sexual violence, exploitation and trafficking in persons.

183. The Office for the Defence of Indigenous Women's Rights has: (i) held a meeting with social communicators on the rights of indigenous women and journalism; (ii) met with Mayan, Garifuna, Xinka and mestiza girls in preparation for the International Day of the Girl Child; and (iv) produced 60 television and 75 radio programmes to raise awareness of the specific rights of indigenous women.

CERD/C/GTM/14-15, paragraph 31: International Decade for People of African Descent

184. With the aim of taking action pursuant to the programme of the International Decade for People of African Descent and placing this international commitment on the country's agenda, the Government launched the International Decade on 4 November 2015 in a ceremony headed by the Vice-President, together with the Office of the United Nations High Commissioner for Human Rights in Guatemala, the Chair of the Committee on the Elimination of Racial Discrimination and Afrodescendent leaders.

185. General Assembly resolutions 68/237 and 69/16 have been distributed in print and digital form to government bodies and public institutions for their information and consideration.

186. The Planning and Programming Secretariat of the Office of the President, as the State planning entity, coordinated a workshop for departmental delegates to raise awareness of the resolutions on the International Decade.

187. The Presidential Commission on Discrimination and Racism against Indigenous Peoples has developed two courses for public servants and civil society: (1) a train-the trainer course on handling racism and discrimination (2015); and (2) a diploma course on the human rights of the Garifuna and Afrodescendants and the fight against racism and discrimination (2015). The courses were developed in coordination with the Presidential Human Rights Commission, the National Council for implementation of the Peace Agreements and the Public Administration Institute. In addition, with the support of the Office of the United Nations High Commissioner for Human Rights in Guatemala, work has begun on a national action plan to achieve the objectives of the International Decade.

188. The Ministry of Education, in coordination with the Central American Secretariat for Economic Integration and the Art and Culture Foundation for the Development of Costa Rica, hosted the international "Flores de la Diáspora Africana" (Flowers of the African Diaspora) public speaking competition. The event was entitled: "The International Decade for People of African Descent: Recognition, Justice and Development. The main focus was the importance of the International Decade for People of African Descent in a diverse world and the need to achieve greater equality for all.

Challenges in the fight against racial discrimination

189. The information in this report describes the institutional efforts being made to address the various forms of racial discrimination experienced by indigenous peoples in Guatemala.

190. The political and legal systems need to be made responsive to the country's multi-ethnic, pluricultural and multilingual nature with a view to overcoming the discrimination and exclusion that, throughout history, have limited the enjoyment and exercise of civil, political, economic, social and cultural rights.

191. Efforts remain necessary to build a participatory and inclusive democracy and ensure fair development.

192. The State needs to invest more in indigenous affairs in order to promote economic development and reduce inequalities.

193. Public sector indigenous bodies should be guaranteed independence in carrying out their functions and their ability to continue preventing racism and racial discrimination should be strengthened.

194. Steps must be taken to overcome the racism and classism that have hindered the tabling and enactment of laws on the specific rights of indigenous peoples by the legislative branch.

195. The sociopolitical factors that have restricted the political participation of indigenous peoples in popular elections and decision-making need to be overcome.

196. Public policies need to be institutionalized and harmonized with international standards on the rights of indigenous people in order to ensure that indigenous peoples have access to health care, education and justice.

197. Measures should be adopted to respect indigenous peoples' conception of development and safeguard their right to self-determination, in keeping with the international conventions to which Guatemala is a party.